

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Andre R. Levesque

v.

Civil No. 09-cv-055-SM

State of Vermont, et al.

O R D E R

Before the Court is Andre Levesque's complaint (document no. 1), seeking damages against the State of Vermont, the Vermont State Hospital, private medical and mental health care providers, and doctors employed by both the State of Vermont and the private providers. Because Levesque is proceeding pro se and in forma pauperis, the matter is before me for preliminary review to determine, among other things, whether Levesque has stated any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B).

As fully explained in the Report and Recommendation issued simultaneously with this Order, I find that Levesque has stated state law tort claims upon which relief might be granted against defendants Fletcher Allen Health Care, Howard Mental Health, and

Drs. Stiengard, Munson, Dunken, Pelitier, and Sympatico. I therefore direct that this action proceed against those defendants.¹

I order that the complaint be served on Defendants. As plaintiff has completed summons forms for each of the defendants, the Clerk's office shall issue the summonses against defendants and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (document no. 1), the Report and Recommendation issued this date, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Levesque is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

¹In my Report and Recommendation, I recommended dismissal of the remaining claims and defendants be dismissed from this action.

the Defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: May 11, 2009

cc: Andre R. Levesque, pro se